

**REMARKS**

Favorable reconsideration of this application as presented herein is requested. Claims 1-59 are pending in the present application. Claims 50-57 have been withdrawn in response to the Restriction Requirement mailed February 13, 2004. Applicant hereby elects claims 1-49 and 58-59 (Group I) for prosecution, with traverse. This election is made without prejudice.

In addition, in the above amendments, claims 1, 14, 29, 41, 58, and 59 have been amended. No new matter has been added.

Applicant respectfully responds to this Office Action.

Election/Restrictions

Applicant hereby elects claims 1-49 and 58-59 (Group I) for prosecution, with traverse. This election is made without prejudice. Claims 50-57 (Groups II and III) are withdrawn from further consideration as being drawn to a non-elected invention.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-49 and 58-59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,754,211 to Padovani in view of U.S. Patent No. 6,631,123 to Jiang et al. and further in view of EP1001572 to Meyers et al. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation of, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference(s) must teach or suggest all the claim limitations.

The present invention relates to a method and apparatus for efficiently establishing a connection between an access terminal and an access network using a fast access channel and a fast access indicator. Upon receiving a fast access indicator in response to a fast access probe, an access terminal begins transmitting a traffic channel signal containing data rate control (DRC)

information. The DRC information is used by the access network to transmit messages such as a traffic channel assignment message at the requested DRC rate.

The rejection contends that Padovani discloses a method and apparatus for establishing a connection between an access terminal and an access network which comprises receiving a first portion of an access probe from the access terminal and receiving an access probe message from the access terminal.

To overcome this rejection, claims 1, 14, 29, 41, 58 and 59 have been amended to emphasize that the access network detects the first portion of the access probe and compares it to a threshold value. Upon detecting the preamble portion of the received fast access probe 404, the modem pool transceiver sends a fast access indicator 406 while continuing to decode the fast access probe body. The modem pool transceiver compares the signal quality of the received fast access probe preamble to a decoding threshold to determine whether to respond by sending a fast access indicator 406. (See Applicant's Specification, p.5, ll.30-37.) Therefore, the fast access indicator is only sent after comparison to a decoding threshold. This step of comparing to a decoding threshold value is not performed in Padovani, Jiang and Meyers. For example, Figure 8 in Padovani illustrates a base station that receives and transmits an access probe but no detecting or comparing is taught.

Additionally, absent hindsight of Applicant's invention, there is no motivation or suggestion to combine Jiang and Meyers with Padovani because the purpose of Padovani is to improve utilization of the forward link and decrease transmission delay, while the purpose of Jiang is to adjust power of a probe signal and that of Meyers is to reduce amount of collisions of access messages on the reverse link. Each of the three Patents has a very different focus.

Consequently, the Padovani, Jiang and Meyers references do not anticipate the structure defined in claims 1, 14, 29, 41, 58 and 59 of the present application under 35 U.S.C. § 103(a) for at least the foregoing reasons. Claims 2-13, 15-28, 30-40, and 42-49 are claims dependent from claims 1, 14, 29, 41, 58 and 59 and therefore include all the limitations of those independent claims. Since the Padovani, Jiang and Meyers references do not render claims 1, 14, 29, 41, 58 and 59, as amended, unpatentable Applicant respectfully submits that the rejections thereof be withdrawn by the Examiner.

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 4/2/2004

By: *Arti A. Kane / Limited Recognition*  
Arti A. Kane, Limited Recognition  
858-845-2650

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Arti Kane is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of QUALCOMM Incorporated to prepare and prosecute patent applications wherein QUALCOMM Incorporated is the assignee of record of the entire interest. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Arti Kane ceases to lawfully reside in the United States, (ii) Arti Kane's employment with QUALCOMM Incorporated ceases or is terminated, or (iii) Arti Kane ceases to remain or reside in the United States on a TN visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

**Expires: December 5, 2004**

Harry I. Moatz  
Director of Enrollment and Discipline

**RECEIVED**

**APR 08 2004**

**Technology Center 2600**